

**Before the
Federal Communications Commission
Washington, D.C. 20554**

FILED/ACCEPTED

JAN 10 2012

In re

Federal Communications Commission
Office of the Secretary

**MARITIME COMMUNICATIONS/LAND
MOBILE, LLC**

EB Docket No. 11-71
File No. EB-09-IH-1751
FRN: 0013587779

Participant in Auction No. 61 and Licensee of
Various Authorizations in the Wireless Radio
Services

Applicant for Modification of Various
Authorizations in the Wireless Radio Services

Application File Nos. 0004030479,
0004144435, 0004193028, 0004193328,
0004354053, 0004309872, 0004310060,
0004314903, 0004315013, 0004430505,
0004417199, 0004419431, 0004422320,
0004422329, 0004507921, 0004153701,
0004526264, 0004636537,
and 0004604962

Applicant with **ENCANA OIL AND GAS (USA),
INC.; DUQUESNE LIGHT COMPANY; DCP
MIDSTREAM, LP; JACKSON COUNTY
RURAL MEMBERSHIP ELECTRIC
COOPERATIVE; PUGET SOUND ENERGY,
INC.; ENBRIDGE ENERGY COMPANY,
INC.; INTERSTATE POWER AND LIGHT
COMPANY; WISCONSIN POWER AND
LIGHT COMPANY; DIXIE ELECTRIC
MEMBERSHIP CORPORATION, INC.;
ATLAS PIPELINE – MID CONTINENT, LLC;
DENTON COUNTY ELECTRIC
COOPERATIVE, INC. , DBA COSERV
ELECTRIC; AND SOUTHERN CALIFORNIA
REGIONAL RAIL AUTHORITY**

To: Marlene H. Dortch, Secretary

Attention: Chief Administrative Law Judge Richard L. Sippel

**ENFORCEMENT BUREAU'S
MOTION TO EXTEND JANUARY 20, 2012 DISCOVERY DEADLINE**

1. The Chief, Enforcement Bureau, by her attorneys, hereby respectfully requests the Presiding Judge to extend the discovery deadline relating to Issue (g) (nonconstruction and discontinuance) in this proceeding. In support whereof, the following is shown.

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2. By Order, FCC-11M31 (ALJ, Oct. 26, 2011), the Presiding Judge established January 20, 2012 as the deadline for the parties to complete discovery on Issue (g) of the Hearing Designation Order in this proceeding.¹ This issue relates to the nonconstruction and discontinuance of site-based operations by Maritime Communications/Land Mobile, LLC (Maritime). In accordance with the Presiding Judge's instructions during the October 25, 2011 prehearing conference,² the Bureau and SkyTel³ prepared proposed discovery requests relevant to Issue (g) and filed those discovery requests with the Presiding Judge for his review in the form of a Joint Motion.⁴ It was anticipated that upon approval of the Joint Motion, an order would issue directing Maritime to respond fully, completely and in a timely manner to the proposed discovery requests. Notably, Maritime did not object to the scope of the proposed discovery⁵ and, in fact, it acknowledged that it was "prepared and willing to timely comply with discovery requests related to Issue(g) . . . with a view to completing discovery by the January 20, 2012 [] deadline."⁶

3. To date, no order has issued directing Maritime to respond to the proposed discovery requests. Because the Joint Motion relating to Issue (g) remains pending before the Presiding Judge, and the January 20, 2012 deadline for completing discovery on Issue (g) is little more than a week away, the Bureau is concerned that it will be all but impossible to complete discovery on Issue (g) on time. Accordingly, the Bureau respectfully requests the Presiding

¹ *Maritime Communications/Land Mobile, LLC*, Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, EB Docket No. 11-71, FCC-11-64, rel. April 19, 2011, at ¶ 62(g).

² See Transcript, dated October 25, 2011, at p. 256.

³ "SkyTel" refers to Warren Havens, V2G, LLC, Telesaurus Holdings GB, Verde Systems, Intelligent Transportation & Monitoring Wireless, Environmental, LLC and Skybridge Spectrum Foundation.

⁴ See Joint Motion For Leave To Serve Discovery On Maritime Relating To Nonconstruction And Discontinuance Of Site-Based Operations, filed December 7, 2011 (Joint Motion).

⁵ See Comments on and Limited Objection to Joint Motion for Leave to Serve Discovery, filed on December 9, 2011.

⁶ See *supra* note 5 at p. 2.

Judge to extend the discovery deadline on Issue (g) to allow Maritime to provide its responses to the proposed discovery requests *and* to allow the Bureau to conduct whatever additional discovery on this issue may be necessary and appropriate (*e.g.*, depositions) to ensure that the hearing record is fully developed and that the Presiding Judge is ultimately able to render a reasoned and informed decision.

4. In addition, the Bureau notes that, on December 19, 2011, Pinnacle Wireless, Inc. (Pinnacle Wireless), a Maritime lessee, filed a petition to intervene in this hearing proceeding, based in part on its claimed first-hand knowledge of the construction of one of the site-based stations relevant to Issue (g).⁷ Briefing on this petition was not completed until January 6, 2012⁸ and Pinnacle Wireless' request to intervene remains pending. Because Pinnacle Wireless appears to have information relevant to Maritime's nonconstruction and discontinuance of its site-based operations, whether Pinnacle Wireless is made a party to this proceeding will necessarily impact the Bureau's ability to satisfy any new discovery deadline on Issue (g) that the Presiding Judge may establish. Consequently, the Bureau respectfully requests the Presiding Judge, in considering a new deadline for completion of discovery on Issue (g), to first resolve Pinnacle Wireless' request to intervene and to accommodate such discovery of Pinnacle Wireless as may be necessary and appropriate on matters relating to Issue (g). In this regard, the Bureau submits that any new discovery deadline that the Presiding Judge may establish should be no fewer than 120 days after he has ruled on Pinnacle Wireless' petition.⁹

5. For the foregoing reasons, the Bureau respectfully asks the Presiding Judge to


⁷ See Pinnacle Wireless, Inc. Petition to Intervene, filed on December 19, 2011. SkyTel filed a limited objection to Pinnacle Wireless' petition. See Skytel Reply and Limited Objection to Pinnacle Petition to Intervene, filed on December 29, 2011.

⁸ See Pinnacle Reply to Skytel Opposition, filed on January 6, 2012.

⁹ This amount of time is prudent given that, for example, the taking of depositions requires at least 21 days advance notice pursuant to Section 1.315(a) of the Commission's rules. See 47 C.F.R. § 1.315(a).

extend the January 20, 2012 deadline for the parties to complete discovery related to Issue (g) of the Hearing Designation Order.

Respectfully submitted,
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January 10, 2012

CERTIFICATE OF SERVICE

Makia Day, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 10th day of January, 2012, sent by first class United States mail copies of the foregoing "Enforcement Bureau's Motion To Extend January 20, 2012 Discovery Deadline" to:

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